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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ENOCH ADAMS, JR., LEROY ADAMS,
ANDREW KOENIG, JERRY NORTON
DAVID SWAN and JOSEPH SWAN,

Plaintiffs,

v.

TECK COMINCO ALASKA INCORPORATED

Defendant.

NANA REGIONAL CORPORATION and
NORTHWEST ARCTIC BOROUGH,

Intervenors-Defendants.

Case No. A04-49 (JWS)

**PLAINTIFFS' REQUEST
FOR ORAL ARGUMENT
ON DEFENDANTS' MOTION
AT DOCKET 218**

1 Plaintiffs Enoch Adams et al. respectfully request oral argument on Defendants'
2 Motion to Strike Plaintiffs' New Expert Reports, Docket 218. Adams has responded to that
3 motion (at Docket 258), and Defendants have replied at Docket 288.

4 Defendants' reply includes a number of misleading arguments and also includes three
5 new declarations, a highly truncated excerpt of the August 2007 status conference and a 37-page
6 table that misrepresent central facts relevant to the Court's determination of the motion,
7 including which laboratory reports were available to plaintiffs and when, what Dr. Michael
8 Kavanaugh reported in his expert reports, and what updates the Court specifically requested. All
9 of these new facts and arguments are raised in reply, so that Adams is not able to respond to them
10 and point out the inaccuracies and misrepresentations.

11 All parties will be at Court on Friday, March 21, at 8:30 a.m. for a status conference, and
12 Adams requests oral argument on this motion at that time. In the alternative, Adams requests the
13 opportunity to file a brief (five page or less) sur-reply to point out the misleading nature of the
14 charts, the Defendants' use of Dr. Kavanaugh's reports, and other misrepresentations in
15 Defendants' reply.

16 Date: March 7, 2008

Respectfully submitted,

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18 /s/ Luke Cole
19 Luke Cole
20 Attorney for Plaintiffs
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22 CERTIFICATE OF SERVICE

23 I hereby certify that on the 7th Day of March 2008, a true and correct copy of the foregoing Motion for Oral Argument was
served, via electronic mail, on the below identified parties of record:

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/s/ Luke Cole
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